

FILED

OCT 17 2007

WILLIAM B. GUTHRIE
Clerk, U.S. District Court
By _____
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

TEISA SHARP,)
)
 Plaintiff,)
)
 v.) Case No.: CIV 07 - 345 - R A W
)
 RASIM TIRO, COMPASS EXPRESS,)
 INC., AND LINCOLN GENERAL)
 INSURANCE COMPANY,)
)
 Defendants.)

COMPLAINT

COMES NOW the Plaintiff, Teisa Sharp, by and through her attorney, Tod S. Mercer, and for her claim against the Defendants, Rasim Tiro, Compass Express, Inc., and Lincoln General Insurance Company, alleges and states:

JURISDICTION AND VENUE

1. Plaintiff, Teisa Sharp, is a resident and citizen of Atoka, Atoka County, Oklahoma.
2. Defendant, Rasim Tiro, is a resident and a citizen of the State of Missouri.
3. Compass Express, Inc. is a trucking company based in Illinois.
4. Lincoln General Insurance Company is an insurance company based in Pennsylvania that provided liability coverage for Defendant Rasim Tiro.
5. The automobile/truck collision subject of this action occurred in Atoka County, State of Oklahoma.
6. This Court has jurisdiction of this case under 28 U.S.C. §1332(a)(1), diversity of citizenship, with the amount in controversy in excess of \$75,000.00 exclusive of interest and costs.

Consent form given

7. Venue is proper under 28 U.S.C. §1391(a)(1) in that the Eastern District of Oklahoma is a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

FACTUAL ALLEGATIONS

COUNT I - NEGLIGENCE

8. On July 15, 2007, on United States Highway 69, in Atoka County, Oklahoma, the Defendant, Rasim Tiro negligently caused the truck and double trailer he was driving to collide with the vehicle driven by Plaintiff.
9. As a direct proximate result of Defendant's negligence, the Plaintiff sustained serious and permanent injuries, incurred medical expenses and out-of-pocket expenses, and she endured great pain and suffering, mental and physical and she may continue to endure pain and suffering in the future.
10. The Defendant Lincoln General Insurance Company provided liability coverage for Rasim Tiro and is being named herein pursuant to 47 O.S. 1995 §230.30.
11. At all materials times herein, including the time of the accident, the defendant Rasim Tiro was acting in the scope of his agency/employment with Compass Express Inc.
12. The Defendant Compass Express, Inc. is liable for the negligent actions of Rasim Tiro under the doctrine of *respondeat superior*.

WHEREFORE, Plaintiff prays for judgment against the Defendants, Rasim Tiro, Compass Express, Inc., and Lincoln General Insurance Company, in an amount in excess

of \$75,000.00, plus interest, cost, attorney fees, and such other relief to which she may be entitled.

COUNT II – NEGLIGENCE *PER SE*

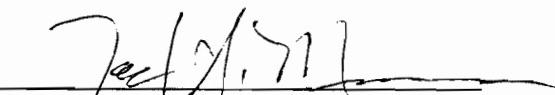
Plaintiff adopts and re-alleges all of the allegations contained above and for Count II against the defendants, Rasim Tiro, Compass Express, Inc., and Lincoln General Insurance Company, states as follows:

1. At the time of the collision described above the defendant, Rasim Tiro was in violation of various Oklahoma traffic laws.
2. As a result of the violations of Oklahoma traffic laws, the acts and omissions of the defendant, Rasim Tiro constitute negligence *per se*.
3. At all material times herein, including the time of the accident the defendant, Rasim Tiro was acting in the scope of his agency/employment with the Compass Express, Inc.
4. The Defendant Compass Express, Inc. is liable for the negligent actions of Rasim Tiro under the doctrine of *respondeat superior*.

WHEREFORE, Plaintiff prays for judgment against the Defendants, Rasim Tiro, Compass Express, Inc., and Lincoln General Insurance Company, in an amount in excess of \$75,000.00, plus interest, cost, attorney fees, and such other relief to which she may be entitled.

Respectfully submitted,

By:


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JURY TRIAL DEMANDED.
ATTORNEY'S LIEN CLAIMED.